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Attorneys for Defendant Qualcomm Incorporated

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

BROADCOM CORPORATION,

Plaintiff,

. v.

QUALCOMM INCORPORATED,

Defendant.

Civil Action No. 05-3350 (MLC) (JJH)

NOTICE OF MOTION

Return Date: March 17, 2008

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Attorneys for Plaintiff Broadcom Corporation

PLEASE TAKE NOTICE that Defendant QUALCOMM Incorporated
("QUALCOMM") will move this Court at The Fisher Federal Building and United States
Courthouse, 402 East State Street, Trenton, New Jersey, on March 17, 2008, at 9 a.m., before
Judge Mary L. Cooper, for an order pursuant to Local Rule 5.3 to seal materials submitted in

further support of Qualcomm Incorporated's Motion to Dismiss Claims Four Through Eight of Plaintiff's Second Amended Complaint.

PLEASE TAKE FURTHER NOTICE that in support of the motion, QUALCOMM relies on the accompanying Memorandum in Support of QUALCOMM Incorporated's Motion to Seal Materials Pursuant to Local Rule 5.3.

PLEASE TAKE FURTHER NOTICE that a proposed form of order granting QUALCOMM's motion is submitted with the motion.

Dated: February 15, 2008

McCARTER & ENGLISH, LLP

By: s/ William J. O'Shaughnessy
William J. O'Shaughnessy

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

BROADCOM CORPORATION,

Plaintiff,

v.

QUALCOMM INCORPORATED,

Defendant.

Civil Action No. 05-3350 (MLC) (JJH)

**MEMORANDUM IN SUPPORT OF QUALCOMM INCORPORATED'S
MOTION TO SEAL MATERIALS PURSUANT TO LOCAL RULE 5.3**

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Attorneys for Defendant Qualcomm Incorporated

Plaintiff QUALCOMM Incorporated ("QUALCOMM") respectfully submits this memorandum in support of its motion to seal materials pursuant to L.Civ.R. 5.3(c).

This is a case between two technology companies requiring discovery of highly sensitive competitive information. The parties have produced confidential information in discovery, the public disclosure of which could affect legitimate business interests. To protect the confidentiality of this information, the parties entered into an Order Governing the Production and Exchange of Confidential Material, which the Court entered on March 13, 2006 (the "Protective Order"). The Protective Order allows the parties to designate information as "Confidential" (Order ¶ 3) or "Highly Confidential" (id. ¶ 4), and provides that a party wishing to use material designated "Confidential" or "Highly Confidential" in a submission filed with the Court must move pursuant to Local Rule 5.3 for leave to file the submission under seal (id. ¶ 11).

In QUALCOMM's Reply Memorandum in Support of Defendant's Motion to Dismiss Claims Four Through Eight of Plaintiff's Second Amended Complaint, dated February 15, 2008, QUALCOMM relies upon a brief submitted under seal by Broadcom in the action *Qualcomm Inc. v. Broadcom Corp.*, No. 05 CV 1958 B (S.D. Cal.). This filing, Broadcom's Opposition to Qualcomm's Motion for Summary Adjudication, bears the legend "Contains Broadcom and Qualcomm Confidential Business Information -- Subject to Protective Order". QUALCOMM has attached a true and correct copy of this filing as Exhibit 1 to the Supplemental Declaration of William J. O'Shaughnessy in Support of Defendant's Motion to Dismiss Claims Four Through Eight of Plaintiff's Second Amended Complaint ("Exhibit 1").

Although the filing at issue is Broadcom's, QUALCOMM accepts that the document contains confidential Broadcom and Qualcomm business information. Both parties have legitimate interests in keeping such information private and would suffer serious injury if it were revealed to the public. *See* L.Civ.R. 5.3(c)(2). QUALCOMM therefore respectfully requests that this court order Exhibit 1 filed under seal .

QUALCOMM does not at this time believe that there is a less restrictive alternative to the relief sought. QUALCOMM does not seek to file the entirety of its submissions under seal, but rather one exhibit only.

For all these reasons, QUALCOMM respectfully requests that the Court grant its motion to file materials under seal pursuant to Local Rule 5.3.

Respectfully submitted,

February 15, 2008

McCARTER & ENGLISH, LLP

By: s/ William J. O'Shaughnessy
William J. O'Shaughnessy

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Attorneys for Defendant Qualcomm Incorporated

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ORDER TO SEAL MATERIALS

THIS MATTER having been opened to the Court by McCarter & English, LLP, attorneys for defendant QUALCOMM Incorporated, upon QUALCOMM's application for the entry of an Order, pursuant to Local Civil Rule 5.3(c), providing for filing under seal of materials related to QUALCOMM's Reply Memorandum in Support of Defendant's Motion to Dismiss Claims Four Through Eight of Plaintiff's Second Amended Complaint and the Court having considered the papers submitted in support of this Motion and the arguments of counsel, the Court hereby finds:

1. QUALCOMM has filed under seal, in accordance with the provisions of Local Rule 5.3, Broadcom Corporation's Opposition to Qualcomm's Motion for Summary Adjudication, originally submitted under seal by Broadcom Corporation in the action *Qualcomm Inc. v. Broadcom Corp.*, No. 05 CV 1958 B (S.D. Cal.). QUALCOMM has attached a true and correct copy of this document as Exhibit 1 to the Supplemental Declaration of William J. O'Shaughnessy in Support of Defendant's Motion to Dismiss Claims Four Through Eight of Plaintiff's Second Amended Complaint.

2. The information in this document satisfies the standards set forth in L.Civ.R. 5.3. There is no less restrictive alternative to the filing of these materials under seal.

THEREFORE, it is this _____ day of _____ 2008

ORDERED that the Motion to Seal Materials Pursuant to Local Rule 5.3 is hereby granted; and

IT IS FURTHER ORDERED that the Clerk is hereby directed to seal Exhibit 1 to the Supplemental Declaration of William J. O'Shaughnessy in Support of Defendant's Motion to Dismiss Claims Four Through Eight of Plaintiff's Second Amended Complaint.

Honorable John J. Hughes
United States Magistrate Judge

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CERTIFICATION OF SERVICE

RICHARD HERNANDEZ, of full age, certifies as follows:

1. I am an attorney at law of the State of New Jersey and am associated with the firm of McCarter & English, LLP, attorneys for Defendant Qualcomm Incorporated.

2. On February 15, 2008, I caused to be delivered by ECF and electronic mail a copy of the foregoing papers to the following:

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3. In addition, on February 15, 2008 I caused to be delivered by electronic mail a copy of the foregoing papers to the following:

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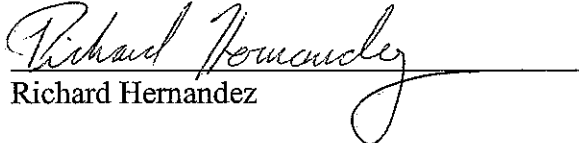
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I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATED: February 15, 2007


Richard Hernandez